

IN SENATE OF THE UNITED STATES,

MARCH 21, 1822.

The Committee of Claims, to whom was referred the petition of Issachar Thorp, Joseph Siddall, and James Thorp, cotton manufacturers and calico printers, of Philadelphia, trading under the firm of Thorp, Siddall & Co.

REPORT:

That Calender Irvine, Esq. Commissary General of Purchases, on the 9th day of September, 1813, entered into a contract with one Thomas Parker, of Philadelphia, woollen manufacturer, for the purchase of a large quantity of woollen kerseys, for the use of the army of the United States; that in part pay for the same, the following acknowledgment or due bill, was issued from the Commissary General's office, to wit:

"There will be due Mr. Thomas Parker, in thirty days from the 25th of October, 1814, and will be paid to him, or order, provided the Commissary General is in funds, two thousand one hundred and eighty-one dollars, and thirty-nine cents, being the amount of kerseys sold the United States of that date.

TIMOTHY BANGOR.

Commissary General's Office, Philadelphia, Nov. 3d, 1814."

The said certificate was afterwards endorsed over to Thorp, Siddall & Co. the petitioners, who paid for the same a full consideration.

In February, 1815, Parker failed in business, and became unable to comply with his contract, being in debt to the Commissary General for moneys advanced by him, in the sum of two thousand five hundred and fifty-nine dollars and fifty cents; upon which failure the Commissary General refused to pay Thorp, Siddall & Co. the amount of the certificate remaining in their hands, and endorsed to them by Parker, until the said sum of two thousand five hundred and fifty-nine dollars and fifty cents should be collected from Parker and his sureties. A suit was brought in the District Court of Pennsylvania against Parker and his sureties, which was appealed to the Circuit Court; and, on a final hearing, was decided against the United States.

Thorp, Siddall & Co. then applied to the Secretary of War for the payment of the sum due them on the certificate, who, after taking the

opinion of the Attorney General, decided in favor of allowing the claim, and directed that the amount of principal should be paid, but not the interest. The principal was accordingly paid. The petitioners now ask Congress to pass a law authorizing the pay of interest.

The Committee are of opinion that the claim of the petitioners ought not to be allowed. They do not admit the right of an officer of the government, without authority from law, to issue negotiable bills, by which the United States shall become liable to pay interest, damages, or costs. Had the certificate issued to Parker from the Commissary General's office, not have been made payable to order, no legal claim could have been set up by Thorp, Siddall & Co. for the payment of the principal. And, as Parker was indebted to the United States, for moneys advanced by the Commissary General, in a larger sum than the amount of the certificate issued to Parker, and transferred by endorsement to Thorp, Siddall & Co.; had the same not been made payable to order, the amount of said certificate would have been saved to the government, and the indebtedness Parker have been nearly extinguished. The Committee recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.